

CHURCH AND STATE

A MONTHLY REVIEW



VOL. 8, NO. 3

MARCH, 1955

Outlook Poor for Federal School Aid as Catholics Renew Demands

Despite a flood of current Congressional bills on the subject, enactment of an adequate program of federal aid to public education seems only a remote possibility as this issue of *Church and State* goes to press. As usual, one of the major obstacles (only sketchily discussed by daily newspapers) is the perennial demand of Roman Catholic leaders that parochial schools be given a share of any funds which are appropriated.

Ironically, Senator Lister Hill of Alabama, chairman of the Senate Committee on Labor and Public Welfare, is being criticized this year for sponsoring a school construction bill—S. 5—which fails to heed the Roman Catholic demand for “Federal funds for the construction of school buildings operated by non-profit educational agencies [a euphemism for parochial schools],” although he has also re-introduced his previously defeated bill allowing use of outer continental shelf oil revenues for aid to “primary, secondary and higher education” without regard to whether the schools aided are public or non-public. The latter bill—S. 772—has been submitted (as in previous years—see *Church and State*, September, 1953) to the Senate Committee on Interior and Insular Affairs, which is headed this year by Senator James E. Murray of Montana.

As of this writing, the major emphasis has been on the school construction bills, which are specifically concerned with meeting the “emergency” classroom shortage, rather than on the “oil-for-education” proposal, which has had such a stormy history.

The Administration, too, incurred the ire of Roman Catholic spokesmen because an “emergency” program outlined by President Eisenhower in a special message to Congress on February 8 looked only toward fulfillment of “the American idea of universal public education” and did not envision government aid to non-public schools. The President called for a total of seven billion dollars during a three-year period, to be expended

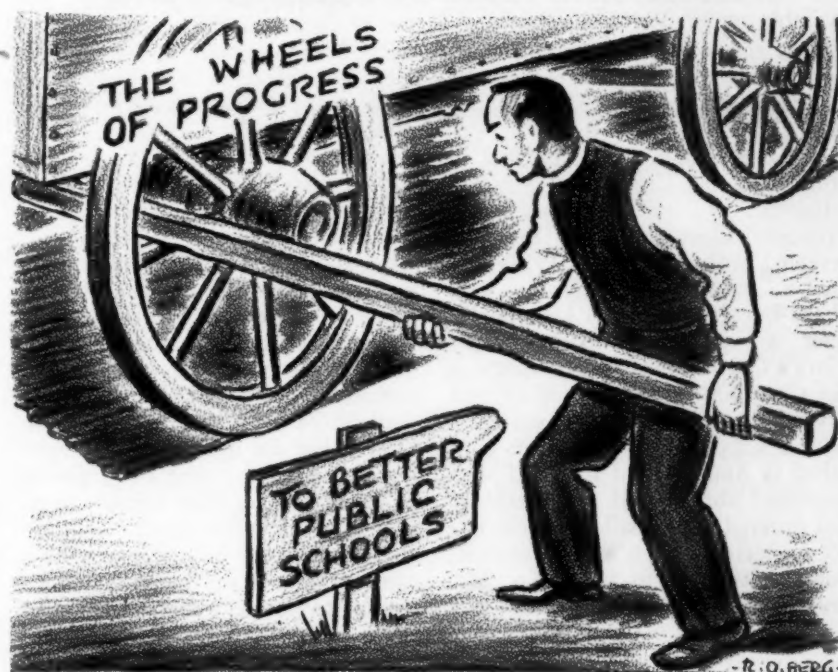
through bond purchases from local communities by the federal government for school construction, federal cooperation with the states “in establishing and maintaining for State school building agencies an initial reserve fund equal to one year’s payment on principal and interest” so that state agencies “may be in a position to issue bonds in the next three years which will build [for local rental] six billion dollars’ worth of new schools,” 200 million dollars for grants-in-aid to school districts with proved need and lack of local income, and federal provision of “one-half of

the administrative costs of State programs which are designed to overcome obstacles to local financing or to provide . . . aid to local school districts”—to be met by a total federal authorization of twenty million dollars with an appropriation of five million for the first year of a three-year period.

This program, introduced in the Senate as S. 968 by Senator H. Alexander Smith and in the House as H. R. 3770 by Representative Peter Frelinghuysen, Jr. (both of New Jersey), met with an almost universal chorus of complaint from public education organizations and state school officials who contended that the emphasis on loans rather than grants-in-aid was a completely inadequate answer to the problems faced by already overburdened state and local governments, and who also asserted that the program implies close federal control over the school systems

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‘NOT UNLESS WE’RE INCLUDED’



-R.O. BERG-

Manhattan Book on Political Catholicism 'Nonmailable'

An indirect restriction on the freedom of American citizens was recently imposed by United States Post Office Department officials in an action declaring the book, *Catholic Imperialism and World Freedom*, to be "non-mailable" in this country. The action against the book by Avro Manhattan was based on a technicality in the Foreign Agents Registration Act of 1938 and could not have been taken if the publisher had been an American one rather than Watts and Company of London, England, as was actually the case.

Official confirmation of the ban was given in a letter of November 18 from Post Office Department Solicitor Abe McGregor Goff to Managing Editor Stanley Lichtenstein of *Church and State*. Goff wrote:

"This will acknowledge your letter of November 1, 1954, addressed to the Postmaster General in which you refer to a newspaper item concerning the action taken by this Department in declaring the book 'Catholic Imperialism and World Freedom' to be nonmailable matter.

"Under an opinion of the Attorney General dated December 10, 1940 (39 Op. A. G. 535), foreign political propaganda disseminated in violation of the Foreign Agents Registration Act may be treated as nonmailable under the provisions of law incorporated in 18 U. S. Code 1717 (39 Code of Federal Regulations 36.5). The said Act defines political propaganda as embracing, among other things, matter which is 'designed to promote in the United States racial, religious or social dissensions.' The aforesaid book was found to constitute matter within this definition, and was therefore held to be non-mailable under 39 CFR 36.5."

This raises some interesting questions. Many of the most responsible American citizens make a practice of reading foreign and domestic "political propaganda . . . designed to promote in the United States racial, religious or social dissensions." President Eisenhower, for instance, revealed in the summer of 1953, during a national controversy over "book-burning," that he kept on his shelf a volume embodying Karl Marx's *Capital* and the *Manifesto of the Communist Party* by Marx and Friedrich Engels. This particular volume happened to have been published in America, but if it had been published abroad and the President had ordered it by mail, the Post Office Department, if it were consistent, would have had to say, "No, Mr. President, we cannot deliver this

book to you because we hold it to be foreign political propaganda 'designed to promote in the United States racial, religious or social dissensions.'"

So far as domestically published works are concerned, the Post Office Department has no authority to prevent the mailing of even the most abhorrent "political" works, and Adolf Hitler's *Mein Kampf* may be obtained through the mails as readily as the works of Thomas Jefferson. Basic American law and the whole weight of our history favors the thesis that the sovereign citizen must make up his own mind concerning the merits or demerits of "political" works without government interference. Whether or not Avro Manhattan's *Catholic Imperialism and World Freedom* deserves the characterization given to it by the Post Office Department, *Church and State* is not endeavoring to decide here. The point is that the United States Post Office was never intended to exercise the function of censorship. Its job is to carry the mails, not hold them up.

Foreign Parallel

On the international scene, the United States Government has steadfastly opposed the various restrictions on freedom of information which have been proposed by certain foreign governments *along the same lines as the action taken by the Post Office Department with respect to the Manhattan book*. Last December 8, for instance, Representative Hugh Scott of Pennsylvania, United States delegate to a meeting in Montevideo, Uruguay, of the United Nations Educational, Scientific and Cultural Organization, opposed part of a resolution calling upon member nations to "assure freedom of expression and to remove barriers to the free flow of undistorted information." He maintained that the qualification, "undistorted," might be used as "a pretext to impede rather than encourage the free flow of information," and declared: "We do not believe that it can be left to any government authority to decide what news is most

likely to be conducive to improved international relations." By the same token, it should not be left to any government authority to decide what literature is most likely to be conducive to racial, religious or social harmony.

For all its symbolic importance, the post office ban on the Manhattan book smacks strongly of the absurd. The book was first published in October, 1952, and has circulated in this country since that time, yet it was not until the fall of 1954 that the Post Office Department got around to banning it, apparently upon complaint from offended Roman Catholics. Furthermore, it is possible to ship the book within the United States by means of Railway Express, a private agency, and it is, of course, perfectly legal for anyone to read it. Then again, earlier works by Avro Manhattan, such as his *The Vatican in World Politics* (1949), published in the United States by Gaer Associates,* were never banned by the post office because the excuse of "foreign" publication could not be used. Finally, the ban on the mailing of *Catholic Imperialism and World Freedom* is itself of doubtful constitutionality and it is to be hoped that the case will someday be tested in the courts.

*This company is no longer in existence.

8th POAU Conference

POAU's Eighth National Conference on Church and State will be held in Washington, D. C., on January 25 and 26, 1956.

Church and State

Published Monthly (except August) by Protestants and Other Americans United for Separation of Church and State

1633 Mass. Ave., N. W., Washington 6, D. C.
Minimum Annual POAU Membership \$3.00,
\$2.00 of which is for Annual Subscription to *Church and State*

Entered as Second-Class Matter at the Post Office at Washington, D. C.

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CHURCH AND STATE

NEWS From Far and Near

◆ After-hours use of public school buildings in Montgomery County, Md., has been brought into question on the basis of a 1921 State Attorney General's opinion banning such use for "partisan or sectarian purposes." A letter from Assistant Attorney General Norman P. Ramsey citing the opinion has been forwarded to the school board by State Superintendent Thomas G. Pullen, and County Superintendent Forbes H. Norris is preparing a report on existing practices. It appears likely that Unitarian, Jewish and Lutheran groups which are using the Bethesda-Chevy Chase High School, the McKenny Hills Elementary School and Western Junior High, respectively, will have to look elsewhere for quarters.

◆ South African churches which do not go along with the government's "apartheid" (segregation) policies are faced with loss of any leases they may hold in native urban locations, although Native Affairs Secretary W. M. Eiselen has announced a slight modification of the cancellation decree of last October. The policy now is to warn churches held guilty of encouraging "deterioration in the relations" of African natives and the government, that cancellation will take effect if there is any repetition of the offense within a year.

◆ Amendment of Massachusetts law on child adoptions is called for in H. 1870, a bill introduced in the state legislature by Representatives Alvin Tamkin and Abraham Kahalas to make possible interfaith adoptions with parental consent. They acted after the United States Supreme Court declined to review a state decision barring the legal adoption of 3-year-old "Catholic" twins by Mr. and Mrs. Rouben Goldman of Marblehead, who have had the twins in their custody with the unwed mother's consent since they were two weeks old. (*Church and State*, November, 1954). Also affected are Mr. and Mrs. Melvin Ellis of Brookline, who, like the Goldmans, are Jewish and have had the custody of "Catholic" Marjorie McCoy (now 4) ever since she was ten weeks old.

◆ A recent London court ruling denying tax aid for the Roman Catholic education of a pupil outside his school district gave rise to the following proposal by the "Catholic Herald": "What is needed now . . . is amending legislation which will make clear beyond dispute that if no Catholic school is available in its own district, a local education authority shall be in duty bound to provide for the education of Catholic children in a Catholic school of appropriate grade in another district."

◆ "The time has come when the state must encourage the growth of private and parochial colleges and universities," declared Michigan State Representative Adrian De Boom of Owosso as he introduced a bill last month to provide scholarships for students wishing to attend either public or non-public colleges. De Boom argued that New York and seven other states have similar laws, and denied that his proposal conflicts with Michigan's constitutional ban on public aid for non-public education. Under his plan the state superintendent of public instruction and two college presidents (from either public or non-public institutions) would constitute a state scholarship committee administering the awards.

◆ A suit against the distribution of "copies of religious scripture, sectarian in nature and susceptible of many interpretations, in the public schools of Carroll County [Md.]" has been brought in the Carroll County circuit court of equity by John A. O'Donnell of Finksburg. Distribution is continuing to be made under the auspices of the Gideons International and with school board consent to pupils who "request" them. O'Donnell's attorney is Harry M. Sachs, Jr., of the Baltimore firm of Sachs and Sachs.

◆ It is unconstitutional to make tax exemption for individuals and organizations hinge on the taking of a "loyalty" oath, the California State Superior Court of Contra Costa County ruled on February 10 in a unanimous decision of the five judges. Victorious challenger of the 1952 and 1953 state "loyalty oath" measures was Lawrence Speiser, World War II veteran and chief counsel of the American Civil Liberties Union of Northern California, who sued as a war veteran entitled to a standard \$1000 exemption on property valuation. Previously, church groups had been considering similar legal action (*Church and State*, January).

Bus Wars Renewed In Several States

The use of public tax funds for transportation of children to non-public schools is called for in bills currently before the legislatures of Missouri, Vermont and Indiana.

Missourians were alerted on the question on January 18 by the executive committee of the St. Louis POAU Chapter, which declared in a resolution that the "proposed plan is in direct opposition to the principle of separation of church and state embodied in the federal and state constitutions, and is a plain effort to get around the decision of the Missouri Supreme Court against use of public funds for bus transportation of pupils attending non-public schools" (*Church and State*, July, 1953). This was a reference to House Bill 100, introduced by Mrs. Jennie S. Walsh of St. Louis, which would create a new division in the department of Public Health and Welfare, headed by a Director of Free Motor Bus Transportation drawing a \$10,000 annual salary and empowered to "provide free transportation of all school children of this state" to schools instructing them "in subjects meeting the requirements of the compulsory school attendance law." As POAU Chapter President J. Edwin Hewlett pointed out in a circular letter of January 29, the bill would take control of school transportation away from the Department of Education for the sole purpose of establishing the legal fiction that aid to non-public school pupils would be given under the heading of "welfare" rather than of "education." Joining the POAU chapter in opposition to the bill, the Missouri Council of Churches adopted a resolution scoring the measure on January 20. On the last day of the month, following a two-hour public hearing, the House Committee on Transportation Other Than Railroads voted "eight to three or nine to two, whichever you want"—as Kansas City Representative John R. Clark put it—in favor of the bill, but Independence Representative Floyd L. Snyder, Sr., attacked the bill on the House floor on the ground that its provisions would bankrupt counties that had to haul school children long distances. (The bill would increase state transportation aid from \$3 to \$4 a month per pupil and require counties rather than school districts to pay the excess

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Spanish Protestants Wed As Franco Softens Stand

Francisco Manzanar Martin and Carmen Pelegrina Jalvo were married last month in Madrid, Spain. And thereby hangs a tale.

The marriage had been delayed eighteen months from the time of their engagement because both were Protestants who had once been baptized as Roman Catholics, a type of marriage heretofore blocked by Spanish law. In this case, Generalissimo Francisco Franco himself intervened to make the marriage possible, apparently in an effort to counteract the unfavorable publicity which his government had received earlier as a result of the attempted United States-Spanish mixed-marriage agreement (*Church and State*, February).

The bridegroom was the 28-year-old pastor of an Evangelical chapel in Alicante and the bride a 20-year-old native of Madrid. Although the couple contended that they were "notoriously non-Catholic," their marriage had been held up on the basis of a Ministry of Justice order of March 10, 1941 forbidding municipal judges to authorize civil marriages except between persons who "do not belong to the Roman Catholic Church and who can supply documentary proof of their non-Catholic status or, in case documentary proof is unavailable, who present an authorized declaration that they have not been baptized."

Generalissimo Franco, in intervening on their behalf, was in effect ordering that an exception be made in their case. This marked the first time that his government had allowed former Roman Catholics to contract civil marriage, and the first time that Roman Catholic canon law on the subject had not been "obeyed" by the regime. The Church holds that baptism is one of the sacraments that "imprint an indelible mark" on character and soul, and it was in obedience to this tenet that the Ministry of Justice had issued its 1941 order preventing the civil marriage of all persons who had ever been baptized as Roman Catholics. The only exceptions allowed even theoretically in the past were for persons formally expelled from the Church and declared to be apostates, heretics and schismatics.

When the couple applied for a marriage license on November 1, 1953, Martin, according to his own

testimony, "submitted to the municipal court of my Madrid district all the documents required by Spanish civil law. . . . They included my statement that I was a Protestant pastor and that consequently I was non-Catholic. My application was rejected because I could not prove that I had not been baptized as a Roman Catholic."

After Franco's personal intervention the Ministry of Justice reinterpreted its 1941 order, saying: "The purpose of that order is to prevent any maneuver that might circumvent the prescribed form of marriage for Catholics, but the order must not be construed as forbidding civil marriage to those who, being of another state, do not accept that form, because in such a case it would be in contradiction with Article 42 of the Civil Code [concerning marriages], which must have priority."

Whether Franco's act in this case signals any basic change in policy remains to be seen.

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You'd Better Read Beyond Headline . . .

The *Air Force Times* published in its February 20 edition a story which should have been prefaced by a warning to readers, as follows: "*Any resemblance between the headline on this story and the facts related therein is purely coincidental.*"

The main headline over the story said: "Religious Freedom Assured Protestant AFmen In Spain." A subordinate heading in smaller type was somewhat more appropriate to the story—"Complex Rules Govern Off-base Worship." The dispatch itself, datelined "Washington," centered around a letter from Assistant State Secretary Thruston B. Morton to Senator Francis R. Case of South Dakota in which it was asserted that "there is nothing in the agreements with Spain which contravenes the rights of American military personnel to worship freely, a principle which the United States Government defends everywhere." Neither this assertion nor the main headline were in harmony with factual material in the story. Here are a few excerpts:

" . . . Non-Catholic USAF personnel stationed in Spain who plan to worship off base may face a perplexing set of local regulations, however. . . .

"Because of the predominance of Catholicism as the State religion and

the strong influence of church doctrine on civil law, all faiths will be asked to tread cautiously in the civilian community.

"Regulated by Spanish law are many matters which other countries normally leave to the individual conscience. Religious holidays for example are all state holidays. Blasphemy is punishable by civil law.

"Marriage laws by which Americans will be bound if they marry in Spain pose a real problem. . . .

"Though commercial books, magazines and religious literature will be available to U. S. personnel through normal mails, AF libraries, and chapels, and may be used in American homes, the Air Force will monitor such works closely to prevent their falling into the hands of Spanish civilians.

"Specifically, the distribution of non-Catholic or anti-Catholic religious writings is punishable by prison terms of as much as six years. . . .

"Still subject of question is the matter of Protestant open-air burials, forbidden by Spanish law. The Air Force has not yet determined whether it will be allowed to conduct military funerals for non-Catholics in Spain or whether bodies will have to be returned to the ZI [Zone of the Interior] to be buried.

"Relations between U. S. troops and Spanish women are similarly a matter of question. Strict marriage laws will block some marriages, but Spanish law permits both cohabitation and prostitution. Air Force authorities definitely oppose condoning either practice. But officials feel it will be difficult to impose military restrictions counter to civil law."

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Talks Given by Mayne, Archer, Cook, Blanshard

POAU Organization Director John C. Mayne, Executive Director Glenn L. Archer, former public school superintendent William A. Cook and Paul Blanshard, author of *American Freedom and Catholic Power*, are in the midst of speaking tours covering more than fifty meeting places in North and South Carolina, Florida, Alabama and Tennessee as this issue of *Church and State* goes to press. Their schedule extends from early February to mid-March.

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POAU will send packets of literature upon request to college and university seniors and graduate students.

CHURCH AND STATE

'Religious Liberty' in Colonial Times

Back in what is sometimes called "the good old days," a person of unorthodox religious opinions faced death, whipping or other severe punishment for holding to his beliefs in the face of government "recognition" of a dominant Christian sect or group of sects. Reproduced below is the major portion of an act of the Maryland colonial assembly, dated April 21, 1649, which, while decreeing death, confiscation of property, whipping and imprisonment for various kinds of "blasphemers" and disbelievers in the Trinity, was comparatively liberal in its provisions.

**Acts and Orders of ASSEMBLY, assented to, enacted 1649.
and made, at a General Session of the said Assembly,
begun and held at St. Mary's on the 2d Day of
April 1649, and ended the 21st Day of the same
Month.**

WILLIAM STONE, Esq; Governor.

C H A P. I. [00]

An Act concerning Religion. Lib. C and WH. fol. 106. Lib. WH. fol. 111. Passed 21st of April 1649.
and Lib. WH and L. fol. 1.

Confirmed among the perpetual Laws 1676, ch. 2.

N. B. By this Law, (1.) Blasphemy against GOD, denying our Saviour JESUS CHRIST to be the Son of GOD, or denying the Holy TRINITY, or the Godhead of any of the Three Persons, &c. was to be Punished with Death, and Confiscation of Lands and Goods to the Lord Proprietary. (2.) Persons using any reproachful Words or Speeches concerning the Blessed Virgin Mary, Mother of our Saviour, or the Holy Apostles or Evangelists, or any of them, for the 1st Offence to forfeit 5 l. Sterling to the Lord Proprietary; or, in default of Payment, to be publicly Whipped, and Imprisoned at the Pleasure of his Lordship, or his Lieut. General. For the 2d Offence to forfeit 10 l. Sterling, or in default of Payment to be publicly and severely Whipped, and Imprisoned as before directed. And for the 3d Offence to forfeit Lands and Goods, and be for ever Banished out of the Province. (3.) Persons reproaching any other within the Province by the Name or Denomination of Heretic, Schismatic, Idolater, Puritan, Independent, Presbyterian, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Round-Head, Separatist, or any other Name or Term, in a reproachful Manner, relating to matter of Religion, to forfeit 10 s. Sterling for each Offence; one half to the Person reproached, the other half to his Lordship: Or, in default of Payment, to be publicly Whipped, and suffer Imprisonment without Bail or Mainprize, until the Offender shall satisfy the Party reproached, by asking him or her respectively Forgiveness publicly for such Offence, before the chief Officer or Magistrate of the Town or Place where the Offence shall be given. (4.) Persons profaning the Lord's-Day, by frequent Swearing, Drunkenness, or by any unrevil or disorderly Recreation, or by Working on that Day (unless in case of absolute Necessity) to forfeit, for the 1st Offence 2 s. 6 d. Sterling, for the 2d Offence 5 s. Sterling, and for the 3d Offence, and every other Offence afterwards 10 s. Sterling; and in default of Payment for the 1st and 2d Offence, to be imprisoned 'til he or she shall publicly, in open Court, before the chief Commander, Judge, or Magistrate, of that County, Town, or Precinct, wherein such Offence shall be committed, acknowledge the Scandal and Offence he hath in that respect given against GOD, and the good and civil Government of this Province; and for the 3d Offence, and every Time after, to be publicly Whipped. (5.) And whereas the enforcing of the Conscience in Matters of Religion, hath frequently fallen out to be of dangerous Consequence in those Common Wealths where it hath been practiced, and for the more quiet and peaceable Government of this Province, and the better to preserve mutual Love and Unity among the Inhabitants, &c. No Person or Persons whatsoever, within this Province, or the Islands, Ports, Harbours, Creeks, or Havens, thereunto belonging, professing to believe in JESUS CHRIST, shall from henceforth be any Ways troubled, molested, or discountenanced, for, or in respect of his or her Religion, nor in the free Exercise thereof, within this Province, or the Islands thereunto belonging, nor any Way compelled to the Belief or Exercise of any other Religion, against his or her Consent, so as they be not unfaithful to the Lord Proprietary, or molest or conspire against the Civil Government established, or to be established, in this Province, under him or his Heirs.

Mackay Refutes Nixon On Church World Role

A paean of praise to the supposedly powerful "anti-Communism" of the Roman Catholic Church was sung by United States Vice-President Richard M. Nixon as he conferred on February 13 with a Guatemalan archbishop during a "good will" tour—but his words brought sharp rejoinder two days later from the Rev. Dr. John A. Mackay, president of the World Presbyterian Alliance and also of Princeton Theological Seminary, and a POAU vice-president, as he addressed North American delegates of the Alliance at a meeting in Ottawa, Canada.

Nixon had told Msgr. Mariano Rossell y Arellano, archbishop of Guatemala: "You were an inspiration to all people during the dark days of Communist domination here. . . . Leaders of the [Roman Catholic] church by their courage, their sacrifices and their martyrdom have inspired people and have earned the gratitude of people all over the world" for their efforts in successfully providing "one of the major bulwarks against Communism and totalitarian ideas."

Mackay commented on February 15: "In charity, but with candor and at the risk of being termed a bigot, I am compelled sorrowfully to say that the exact opposite is true. . . .

"Two decades ago the Roman Catholic Church made concordats with the totalitarian rulers of Italy and Germany, Benito Mussolini and Adolf Hitler. Today the Roman Catholic Church has a concordat with, and is the chief supporter of, Francisco Franco, the totalitarian ruler of Spain and the most hated man in Spanish history.

"It is also a painful fact that those Latin countries where the Roman Catholic Church has been the predominant religious influence have been breeding grounds for Communism. This is true of Italy; it is particularly true of lands in Latin America."

The Presbyterian leader saw two "sinister effects" flowing from what he called "the antipathy which the Roman hierarchy in Latin America has shown toward democratic ideas and land reform measures in such countries, for example, as Guatemala and Colombia." These "effects," he said, were the growth of Communism at the same time that promoters of freedom and justice were being falsely

labelled "Communists." Dr. Mackay is familiar with both the language and the cultures of Latin America, having taught at the University of Lima, Peru, for many years and spent considerable time in other Latin nations.

Vice-President Nixon's address to the Guatemalan Archbishop had been appropriately received by the latter, who said in reply that his church's anti-Communist "strength" is one "which can be considered completely disinterested. It is an obligation to sacrifice oneself, to combat all that is evil in the world, and personal interests should not enter. There is no particular merit in that, it is a duty." On the question of popular feeling with regard to the Communist-oriented regime of former President Jacobo Arbenz Guzman, he observed that the people had accepted that regime with "good faith but they inadvertently furthered the cause of Communism" and that "once the movement against Communism came these people deserted the Communists."

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Bus Wars

(Continued from page 3)

above \$4. Costs are said to run as high as \$13 per pupil in many counties.) Other opponents of the bill included the Kansas City Baptist Association and Lutheran leaders whose attitude was summed up by the Rev. G. E. Nitz of St. Louis' Grace Lutheran Church, who said: ". . . we want religious education every day for our children and are willing to pay for it." However, one of the chief proponents of the bill was former State Senator A. L. McCawley of Jefferson City, who is a Methodist.

In Indiana, where existing law permits use of available bus space for transporting parochial school pupils along the regular route, two bills have been introduced to extend the favor. Representative James W. Spurgeon of Brownstown, a member of the Disciples of Christ denomination, is sponsoring a measure to transport parochial school pupils on township buses in any county of less than 30,000 population; the bill provides further that township trustees may purchase additional buses provided for this purpose upon petition of 75 resident freeholders, provided that if 50 freeholders voice objection a hearing must be held by the township advisory board before purchasing the buses. This bill, if passed, would affect 66 of Indiana's 92 counties, leaving incorporated towns and cities unaf-

Legion Editors Sorry They Printed Letter

Kenneth F. Klinkert of Menomonee Falls, Wisconsin, "sounded off" in the letters-to-the-editor section of the February "American Legion Magazine." As a matter of fact, that section is headed, "Sound Off!", and is appropriately decorated with a drawing of a tough GI doing just that. But Klinkert's letter stirred up a minor hurricane, for in it he "sounded off" about the Roman Catholic Church, which, he contended, is "totalitarian and authoritarian," in contrast to the Legion, which "supposedly is democratic." He called on Catholics to "re-sign from The American Legion, or drop out of the Roman Catholic Church."

The results? Offended legion commanders and members in various parts of the country poured in their protests, not merely against the view expressed by Klinkert, but against the magazine's editors for allowing that view to be aired. Finally, Editor Joseph C. Keeley beat a complete retreat and announced that a formal apology for having printed the letter would be made in the March issue, although it had been printed on the perfectly sound theory that a lot of Americans are thinking what Klinkert said and their opinions must be considered.

Klinkert reported later that he had lost a teaching position at Armstrong Junior College in Savannah, Georgia, "because of Catholic pressure. . . ."

fect. A second bill, by Representative Joseph E. Klen of Hammond, would permit agreements between school corporations as to payments for public hauling of parochial school pupils, thus making it possible for school buses to pick up parochial pupils outside the corporation to which the bus belongs. The Spurgeon and Klen bills were opposed by Protestant leaders.

In Vermont, Senator E. Frank Branon of Franklin County is sponsoring a bill to require local school districts to haul parochial school pupils to their schools. This move was attacked by Representative Keith Wallace of Waterbury at a legislative seminar sponsored by the Vermont Church Council, of which he is president, and also by the Rev. Lowell A. Haynes of the First Congregational Church at Proctor, who spoke at a dinner attended by many legislators.

A bus controversy in Bergen County, New Jersey, is unresolved as this issue of *Church and State* goes to press. County Schools Superintendent Roy R. Zimmerman opposes recent changes in bus routes and schedules made by the Edgewater school board.

CHURCH AND STATE

School Aid Bills

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involved—a violation of the American tradition of local control.

Roman Catholic sectarianism, however, has hardly considered the basic questions of public welfare involved in the controversy between the Administration and its critics in Congress and in public educational circles. The Church is interested in one "angle" only—Will it or won't it get tax support for its schools? If its stalwart son, Representative John E. Fogarty of Rhode Island has his way, the answer to that question will be yes. His bill, H. R. 1791, would provide \$500,000,000 over a period of five years for school construction, and, unlike S. 5, omits the adjective "public" in describing the schools. Fogarty told Religious News Service that his bill would work on the same principle as the Hill-Burton Act for hospital construction which, he said, "did not discriminate as to whether a hospital was private or public or as to its religious affiliation." Heading the House Education and Labor Committee, to which the Fogarty bill was referred, however, is Representative Graham A. Barden of North Carolina, a staunch advocate of public aid to public schools only.

S. 5, sponsored by Hill and 29 other Senators, was attacked by the National Council of Catholic Women in a letter sent during the first week in February to every Senator. The bill, calling for \$500,000,000 worth of federal financing of "public elementary and secondary school facilities" in 1955 and again in 1956, was subjected to the familiar Roman Catholic complaint that "we are paying high taxes for public schools and then we pay again to take care of our parochial schools," and the Senators were asked: "Why does S. 5 forbid the States to use Federal funds for the construction of school buildings operated by non-profit educational agencies?" The organization's letter was signed by Mrs. August W. Desch of Chicago, president.

The campaign against aid for public schools only was carried further by other Roman Catholic spokesmen, including Archbishop John F. O'Hara of the Philadelphia Archdiocese, who questioned the need for the Administration or any other emergency construction program in a signed editorial on the front page of the archdiocesan weekly, *Standard and Times*, and by the National Council of Cath-

olic Men in an action paralleling that taken earlier by its female counterpart. NCCM Executive Director Martin H. Work, in a letter to Senator Hill, chairman of the Senate Labor and Public Welfare Committee, asked three questions:

"1. To what extent does this [Administration] and other plans for Federal construction take into account the urgent need for new non-public school buildings . . . ?

"2. Will pending legislation be amended so non-public school corporations may sell their bonds for new school buildings to the Federal government under substantially the same conditions as are to be required of public schools?

"3. Will pending legislation authorize grants-in-aid of Federal funds for non-public school construction . . . ?"

As this issue goes to press at least two dozen bills are pending in House and Senate calling for emergency school construction or other forms of federal aid to education. Most indicate that "public" education is to be the beneficiary, but some do not.

Among the latter are S. 4 (construction bill by Earle C. Clements of Kentucky), S. 772 (the Hill "oil-for-education" bill), H. R. 33 (federal scholarship bill by Edward P. Boland of Massachusetts), H. J. Res. 228 (resolution by Errett P. Scrivner of Kansas providing 1 per cent return on federal individual and corporate income taxes to states for "educational purposes"), H. R. 355 (federal scholarship bill by Harold D. Donohue of Massachusetts), H. R. 1633 (construction bill by John C. Watts of Kentucky), H. R. 1791 (Fogarty), H. R. 1817 (bill for aid to state, municipal "and other non-profit youth projects," by John W. McCormack of Massachusetts), H. R. 2211 (bill for "financial aid to students in higher education," by Frank Thompson of New Jersey), H. R. 2455 (bill for aid to state, municipal "and other nonprofit youth projects," by Herbert Zelenko of New York), and H. R. 3715 and 3945 ("oil-for-education" bills by Stewart L. Udall of Arizona and James Roosevelt of California).

Hearings continue to be held as we go to press.

DISCUSS LATIN-AMERICAN STRIFE



Participants in one of the panel discussions at POAU's Seventh National Conference on Church and State on January 20 are shown above before their Round Table on "Americans and Religious Liberty in Catholic Countries" began. They are, left to right: Dr. Stanley I. Stuber, chairman of the commission on religious liberty of the Baptist World Alliance; Dr. William S. Stokes, professor of political science, University of Wisconsin; Dr. Joseph M. Dawson, POAU recording secretary; and Dr. Clyde W. Taylor, secretary of affairs, National Association of Evangelicals. Not present when the picture was taken was Dr. Harold E. Fey, executive editor of "The Christian Century," who also participated. This session took place at the Mt. Vernon Place Methodist Church, Washington, D. C.

Clerics Give New NEA Book Old 'Treatment'

Leading public educators were accused of Hitlerism in an address delivered by James Francis Cardinal McIntyre, Roman Catholic archbishop of Los Angeles, at a Holy Name Union breakfast in that city on January 23. The attack was occasioned by the publication of a 98-page booklet, *Public Education and the Future of America*, by the Educational Policies Commission of the National Education Association, and was reminiscent of a similar attack made by the Cardinal more than a year before on the earlier NEA book, *Forces Affecting American Education* (see story, "Cardinal Assails Book, But Did He Read It?," *Church and State*, December, 1953).

Cardinal McIntyre hurled his charge in the presence of Superior Court Judge John J. Ford and other notables attending the breakfast, and later "enlarged" upon them for reporters. This was followed by a general onslaught stirred up by the National Catholic Welfare Conference news service (NC), which solicited critical comment on the booklet from "competent educators"—all Roman Catholic. In their accustomed fashion, these critics set up straw men and knocked them down, complaining of attitudes which the booklet did not express and of omissions which it did not make.

"The booklet," Cardinal McIntyre asserted, "exaggerates greatly the merits of public education and casts grave reflection on private education." Actually, the NEA treatise declares: "That there are inadequacies in American education, no one doubts. Current reappraisal should identify these inadequacies and look

toward their elimination; the reappraisal should also lead to reaffirmation of faith in the achievements and values of the educational system and to planning for their further development during the era now emerging." (p. 82) Nowhere does it "cast reflection" on private education, unless its exposition of the unique value of "common schools" open to all children regardless of sect or class be deemed a "reflection" on schools which are more exclusive.

Naturally enough, the authors of the booklet, convinced of the worth of public education, look forward to its further expansion. Cardinal McIntyre twisted this to mean that they "are attempting [by force] to establish a common universal state education which will place every child in a public school," and added: "This was the policy of Hitler." But the booklet, reviewing nineteenth-century controversies between public and private school champions, observes: "Yet, the proponents of public education seemed agreed that private schools had every right to exist. . . . if the public schools were made good enough, they argued, most parents would not avail themselves of private schools. It was felt that in the competitive market, the common-school idea would eventually triumph." To call this attitude Hitlerian is to indulge in demagoguery.

Similar misinterpretations were contained in the statements of "competent" (i.e., Roman Catholic) educators which were collected by the NC news service. These statements came from Dr. William H. Conley, educational assistant to the president of Marquette University; the Very Rev. William Granger Ryan, president of Seton Hill College, Greensburg, Pa.; and Msgr. Henry C.

Bezou, schools superintendent of the Archdiocese of New Orleans. Father Ryan became so ardent in his rebuttal to the NEA booklet that he even made the following absurd claim: "The vast majority of parochial schools . . . are quite as much 'common schools' or 'public schools' as the tax-supported schools. If they are divisive at all, it is because there are religious divisions in America. . . ."

After Cardinal McIntyre's 1953 attack on *Forces Affecting American Education*, Executive Secretary George W. Denemark of the NEA's Association for Supervision and Curriculum Development issued a detailed reply exposing misrepresentations made by the Cardinal. But no reply has been issued to his latest fulminations on *Public Education and the Future of America*.

Public Education and the Future of America may be purchased from the National Education Association, 1201 Sixteenth Street, N. W., Washington 6, D. C., at \$1.50 per copy, with discounts allowed on quantity orders.

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POAU Board Members Serve on Committees

To expedite the consideration of certain vital POAU questions, members of the national board of trustees and national advisory council have formed a number of special committees, as follows:

Committee on National-Local Chapter Relations—Edward B. Willingham, chairman; Joseph M. Dawson, C. Stanley Lowell, Edwin McNeill Poteat, C. Emanuel Carlson; and John C. Mayne, consultant.

Committee on National Conference and Inter-Group Relations—Alvin W. Johnson, chairman; Clyde W. Taylor, Alexander E. Ginsberg, C. Emanuel Carlson and Harold C. Fitz.

Committee on Proposed Changes in Corporation's Name—Clyde W. Taylor, chairman; Miss Charl Ormond Williams, Joseph M. Dawson, Frank H. Yost, C. Stanley Lowell, Charles Clayton Morrison and Alexander E. Ginsberg.

Committee on U. S.-Spanish Maritime Pact Problem—All officers in the District of Columbia area and the executive director.

Committee on Staff Appointments—Frank H. Yost, chairman; Miss Charl Ormond Williams and Edward H. DeGroot, Jr.

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